

Disclaimer: Undergoing technology updates experienced some loss of video & audio recording for dictation.

Be it remembered that the Common Council of the City of South Bend, Indiana met in the Council Chambers of the County-City Building on Monday, November 24, 2014 at 7:00 p.m. The meeting was called to order by Council President Oliver Davis and the Invocation and Pledge to the Flag were given.

ROLL CALL

COUNCILMEMBERS:

Present:	Valerie Schey	3 rd District
	Dr. Fred Ferlic	4 th District
	Dr. David Varner	5 th District
	Oliver J. Davis	6 th District, President
	Derek Dieter	At-Large, Vice President
	Gavin Ferlic	At-Large
	Karen L. White	At-Large, Chairperson Committee of the Whole

Absent:	Tim Scott	1 st District
	Henry Davis, Jr.	2 nd District

OTHERS PRESENT:

Kathleen Cekanski-Farrand	Council Attorney
John Voorde	City Clerk
Janice I. Talboom	Deputy
Kareemah Fowler	Chief Deputy

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Councilmember Varner made a motion that the minutes of the November 10, 2014, meeting of the Council be accepted and placed on file. Councilmember White seconded the motion which carried by a voice vote of seven (7) ayes.

SPECIAL BUSINESS

In December there will be only one meeting which will be held December 8, 2014.

Council President Davis stated for those here for a discussion tonight regarding Facebook, we will only be having a first reading, so no public hearing on that tonight.

BILL NO. 14 -108

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY THANKING AND HONORING UNITY GARDENS, INC. FOR THEIR ABUNDANT ANNUAL HARVESTS AND FOR ALL OF THEIR MANY NURTURING EFFORTS BENEFITTING OUR COMMUNITY IN PROMOTING HEALTHY AND POSITIVE OPPORTUNITIES

Councilmember Schey welcomed everyone from the Unity Gardens, Inc. to take the podium and thanked them for their contributions and passion they bring to their work. Councilmember Schey stated to Sarah and Mitch, that the Council appreciates everything you give this city.

WHEREAS Michiana residents have been interested in locally grown and produced food with one of our earliest examples being the success of the South Bend Farmer Market which began in 1924 and

WHEREAS Unity Gardens was founded in 2008 by Sara L Stewart RN MSN Executive Director of Unity Gardens Inc. and Mitchel Yaciw who combined their training and education in public health and agriculture with their passion for community They started with one garden on vacant

land in the City of South Bend which encouraged community gardening while strengthening neighborhoods and improving health Today there are nearly fifty 50 public gardens where anyone can pick fresh fruits and vegetables for free and

WHEREAS the Unity Gardens Mission Growing Gardens for the Community to Share highlights the following opportunities.

- Physically by increasing accessibility of fruits and vegetables as well as providing education on nutrition and food preparation
- Socially by providing education increased social capital and opportunities for the disadvantaged
- Economically by developing a sustainable local food system recapturing food waste creating new jobs and increasing per capita productivity

WHEREAS Unity Gardens is a “collaborative network of community gardens originated to increase the availability awareness and accessibility of healthy local grown with each Unity Garden focusing on two 2 criteria: diverse people coming together to grow a garden and sharing the food grown in the garden with the community” and

WHEREAS through the tireless efforts of Unity Gardens it is estimated that the LaSalle Square Unity Gardens help to feed well over one thousand families each year and that over 2 000 families will be fed thanks to this initiative of having unity gardens sprouting up throughout the City of South Bend

Now, Therefore, be it resolved by the Common Council of the City of South Bend, in as follows:

Section I. On behalf of all of the residents of the City of South Bend Indiana the Common Council is proud to publicly honor commend and recognize the vision hard work commitment and passion which the Unity Gardens founders Sara L Stewart and Mitchel Yaciw have had in dedicated themselves to developing and growing a community garden framework which has inspired educated and fed so many in our community.

Section II. The Common Council hereby expresses our sincere gratitude to Sara and Mitchel the officers and Board of Directors of Unity Gardens Inc. for improving our community's health by increasing accessibility to fruits and vegetables by providing fresh health food for anyone by bringing diverse people together and by providing education increased social capital and opportunities for the disadvantaged.

Section III. This resolution shall be in full force and effect from and after its adoption by the Council and approval by the Mayor.

s/Tim Scott, First District
s/Henry Davis, Jr., Second District
s/Valerie Schey, Third District
s/Dr. Fred Ferlic, Fourth District
s/Dr. David Varner, Fifth District

s/Oliver J. Davis, Sixth District
s/Derek D. Dieter, At-Large
s/Gavin Ferlic, At-Large
s/Karen L. White, At-Large
s/Kathleen Cekanski-Farrand,
Council Attorney

s/John Voorde, City Clerk

s/Pete Buttigieg, Mayor of South Bend, IN

The recipients responded thank you for recognizing this, this is a recognition of the entire city not just us. We are truly proud to provide food for everyone. Thank you for the support of the council and citizens of South Bend.

Word from the Mayor's Office: Brian Pawlowski:

Although I'm not there in person, I thank you for your countless hour of service, and teaching our community. Thank you to the common council for acknowledging the Unity Gardens.

Councilmember Schey gave them a Rosemary Bush as a gift from the Council as a way of saying thanks for all their hard work.

Councilmember Dr. Ferlic thanked the recipients and stated they are needed in his neighborhood.

Councilmember Dr. Varner thank you I'm proud of your work and I'm glad you came. I remember when you first came it looked like you had a great program. Congrats again to all your success.

Councilmember Dieter stated thank you everyone for all the hours and all your great work and how it extends to the citizens of the community and teaching them about all the plants. Hopefully, in the spring I will be up there. Thank you again.

Councilmember Gavin Ferlic stated they really built a phenomenal organization so thank you again.

Councilmember White stated I would like to share my words of thank you, on how individuals can come together, to tie in the community and empower them to make a difference. I appreciate that.

Councilmember White made a motion to approve this Resolution which was seconded and carried by a voice vote of seven (7) ayes.

ANNOUNCEMENT: REPRESENTING THE CITY ADMINISTRATION WILL BE CHIEF OF STAFF – BRIAN PAWLOWSKI

REPORTS OF CITY OFFICES

There were no reports of City Office at this time

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:17 p.m. Councilmember Oliver Davis made a motion to resolve into the Committee of the Whole. Councilmember Dieter seconded the motion which carried by a voice vote of seven (7) ayes. Councilmember Schey, Chairperson, presiding.

Councilmember Schey, explained the procedures to be followed for tonight's meeting in accordance with Article 1, Section 2-11 of the South Bend Municipal Code.

Councilmember Schey stated that a brochure may be found on the railing in the Council Chambers explaining those procedures.

PUBLIC HEARINGS

BILL NO. 61 -14

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING SECTION 9 -17 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING EMS OPERATING ENTERPRISE FUND #288; CREATING NEW SECTION 9 -17.1 EMS CAPITAL ENTERPRISE FUND #287 AND CREATING NEW SECTION 2- 170.15 CENTRAL SERVICES CAPITAL FUND #224

Councilmember Schey, Chairperson, Personnel & Finance Committee, reported that they met this afternoon on this bill and sends it to the full Council with a favorable recommendation.

John Murphy- City Controller- During the 2015 budget process we added three funds Fund #288 EMS Operating Enterprise Fund that was amended, Fund #287 new one Capital Enterprise Fund, and #224 Central Services Capital Fund new one added, with the help of the council we want to amend those funds as it is in the budget.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Dieter made a motion for favorable recommendation to full Council concerning this bill. Councilmember Schey seconded the motion which carried by a voice vote of seven (7) ayes.

RISE AND REPORT

Councilmember Gavin Ferlic made a motion to rise and report to full Council. Councilmember Oliver Davis seconded the motion which carried by a voice vote of seven (7) ayes.

ATTEST:

ATTEST:

John Voorde, City Clerk

Valerie Schey, Chairperson
Committee of the Whole

REGULAR MEETING RECONVENED

Be it remembered that the Common Council of the City of South Bend reconvened in the Council Chambers on the fourth floor of the County-City Building at 7:20 p.m. Council President Oliver Davis, presided with seven (7) members present.

BILLS – THIRD READING

BILL NO. 61 -14

THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING SECTION 9 -17 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING EMS OPERATING ENTERPRISE FUND #288; CREATING NEW SECTION 9 -17.1 EMS CAPITAL ENTERPRISE FUND #287 AND CREATING NEW SECTION 2- 170.15 CENTRAL SERVICES CAPITAL FUND #224

This bill had third reading. Councilmember Gavin Ferlic made a motion to pass this bill. Councilmember White seconded the motion which carried. The bill passed by a roll call vote of seven (7) ayes.

RESOLUTIONS

BILL NO. 14 -106

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING A CERTAIN AREA WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 802 NAPOLEON AS A RESIDENTIALLY DISTRESSED AREA FOR PURPOSES OF A (5) FIVE -YEAR RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR LAURA CARLSON & ROBERT WEST

WHEREAS, a Statement of Benefits and a petition for residential real property tax abatement have been submitted to and filed with the City Clerk for consideration by the Common Council of the City of South Bend Indiana requesting that the area commonly known as 802 Napoleon South Bend Indiana and which is more particularly described as follows: LOT 53 EXCEPT EAST 140 FEET SORIN S 2ND ADDITION SECTION 1 TOWNSHIP 37 NORTH RANGE 2 EAST PORTAGE TOWNSHIP ST JOSEPH COUNTY INDIANA

and this property has Tax Key Number 018 5104 3634 be designated as a Residentially Distressed Area under the provisions of Indiana Code 6-1.1, 12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq. and;

WHEREAS the Department of Community Investment as concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as a Residentially Distressed Area under Indiana Code 6-1.1-12 et sue and South Bend Municipal Code Sections 2-76 et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law and

WHEREAS the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as a Residentially Distressed Area

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend Indiana as follows:

Member of the Common Council

Presentation was done by the Department of Community Investment 14th floor- The staff brings forward to the council for 802 Napoleon taxes to be abated \$1,893, taxes to be paid \$18,550. Mr. Davon, from Davon buildings is here if you have any questions regarding the home.

Dell Davon-17871 State Rd 23- seeking your continued favor with this project.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Dieter made a motion to adopt this resolution. Councilmember Gavin Ferlic seconded the motion which carried and the resolution was adopted by a roll call vote of seven (7) ayes.

BILL NO. 14 -107

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING A CERTAIN AREA WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 4946 STERN LINE COURT, 5004 STERN LINE COURT, AND 4919 BOW LINE COURT AS A RESIDENTIALLY DISTRESSED AREA FOR PURPOSES OF A (5) FIVE - YEAR RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR COOREMAN REAL ESTATE GROUP, INC.

WHEREAS, a Statement of Benefits and a petition for residential real property tax abatement have been submitted to and filed with the City Clerk for consideration by the Common Council of the City of South Bend Indiana requesting that the area commonly known as 4946 Stern Line Court 5004 Stern Line Court and 4919 Bow Line Court South Bend Indiana and which is more particularly described as follows:

A PART OF THE NORTHWEST SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 18 TOWNSHIP 38 NORTH RANGE 2 EAST GERMAN TOWNSHIP CITY OF

SOUTH BEND ST JOSEPH COUNTY INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 18 TOWNSHIP 38 NORTH RANGE 2 EAST 5 8 FEET SOUTH OF A Y IRON MONUMENT WITH A CAP LABELED SEC CORNER THENCE SOUTH 89 DEGREES 49 MINUTES 49 SECONDS WEST A DISTANCE OF 1549 41 FEET TO THE WEST RIGHT OF WAY OF U S ROUTE 31 AND THE POINT OF BEGINNING THENCE ALONG SAID WEST RIGHT OF WAY THE FOLLOWING NINE 9 COURSES 1 SOUTH 17 DEGREES 36 MINUTES 51 SECONDS WEST A DISTANCE OF 85 66 FEET 2 THENCE SOUTH 25 DEGREES 35 MINUTES 58 SECONDS WEST A DISTANCE OF 409 65 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 5950 00 FEET A CENTRAL ANGLE OF 8 DEGREES 59 MINUTES 58 SECONDS AND A CHORD OF 933 60 FEET BEARING SOUTH 12 DEGREES 00 MINUTES 23 SECONDS WEST 3 THENCE SOUTH ALONG SAID RIGHT OF WAY CURVE A DISTANCE OF 934 56 FEET 4 THENCE SOUTH 16 DEGREES 02 MINUTES 40 SECONDS WEST A DISTANCE OF 211 20 FEET 5 THENCE SOUTH 38 DEGREES 30 MINUTES 20 SECONDS WEST A DISTANCE OF 481 60 FEET 6 THENCE NORTH 0 DEGREES 45 MINUTES 39 SECONDS EAST A DISTANCE OF 114 32 FEET TO THE NORTHEAST CORNER OF LAND DESCRIBED IN DEED RECORD BOOK 741 PAGES 475 477 AS RECORDED IN THE OFFICE OF RECORDER OF ST JOSEPH COUNTY INDIANA 7 THENCE SOUTH 35 DEGREES 15 MINUTES 20 SECONDS WEST A DISTANCE OF 401 95 FEET 8 THENCE SOUTH 2 DEGREES 36 MINUTES 09 SECONDS WEST A DISTANCE OF 256 87 FEET 9 THENCE SOUTH 85 DEGREES 31 MINUTES 45 SECONDS WEST A DISTANCE OF 199 30 FEET TO THE SOUTHEAST CORNER OF LAND DESCRIBED IN INSTRUMENT NUMBER 8717366 AS RECORDED IN THE OFFICE OF SAID RECORDER THENCE ALONG THE EAST LINE OF SAID LAND NORTH 0 DEGREES 15 MINUTES 44 SECONDS EAST A DISTANCE OF 181 22 FEET THENCE ALONG THE NORTH LINE OF SAID LAND NORTH 89 DEGREES 48 MINUTES 51 SECONDS WEST A DISTANCE OF 323 58 FEET THENCE NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST A DISTANCE OF 500 00 FEET THENCE NORTH 89 DEGREES 48 MINUTES 51 SECONDS WEST A DISTANCE OF 2 00 FEET THENCE NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST A DISTANCE OF 100 00 FEET THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS EAST A DISTANCE OF 2 00 FEET THENCE NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST A DISTANCE OF 500 00 FEET THENCE NORTH 89 DEGREES 48 MINUTES 51 SECONDS WEST A DISTANCE OF 2 00 FEET THENCE NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST A DISTANCE OF 100 00 FEET THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS EAST A DISTANCE OF 2 00 FEET THENCE NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST A DISTANCE OF 800 00 FEET TO THE SOUTHWEST CORNER OF LOT A AS DEPICTED IN THE REPLAT OF RIGHTER S ORANGE ROAD MINOR SUBDIVISION DESCRIBED IN INSTRUMENT NUMBER 8525803 AS RECORDED IN THE OFFICE OF SAID RECORDER THENCE ALONG THE SOUTH LINE OF SAID LOT A NORTH 89 DEGREES 50 MINUTES 13 SECONDS EAST A DISTANCE OF 100 00 FEET THENCE ALONG THE EAST LINE OF SAID LOT A NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST A DISTANCE OF 251 56 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE BEING THE CENTERLINE OF ORANGE ROAD CONCAVE TO THE NORTH HAVING A RADIUS OF 335 00 FEET A CENTRAL ANGLE OF 19 DEGREES 18 MINUTES 44 SECONDS AND A CHORD OF 112 38 FEET BEARING NORTH 67 DEGREES 34 MINUTES 35 SECONDS EAST THENCE EAST ALONG SAID CENTERLINE CURVE A DISTANCE OF 112 92 FEET THENCE SOUTH 0 DEGREES 11 MINUTES 04 SECONDS EAST A DISTANCE OF 70 83 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF BOGUE S MAJOR SUBDIVISION DESCRIBED IN INSTRUMENT NUMBER 8932797 AS RECORDED IN THE OFFICE OF SAID RECORDER AND THE NORTHWEST CORNER OF LAND DESCRIBED IN INSTRUMENT NUMBER 9331954 AS RECORDED IN THE OFFICE OF SAID RECORDER THENCE ALONG THE BOUNDARY OF SAID LAND THE NEXT THREE 3 COURSES 1 SOUTH 26 DEGREES 45 MINUTES 04 SECONDS EAST A DISTANCE OF 66 96 FEET 2 THENCE NORTH 89 DEGREES 49 MINUTES 49 SECONDS EAST A DISTANCE OF 556 25 FEET 3 THENCE NORTH 0 DEGREES 45 MINUTES 39 SECONDS EAST A DISTANCE OF 80 00 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SECTION 18 TOWNSHIP 38 NORTH RANGE 2 EAST THENCE ALONG SAID NORTH LINE NORTH 89 DEGREES 49 MINUTES 49 SECONDS EAST A DISTANCE OF 729 56 FEET TO THE POINT OF BEGINNING EXCEPTING THAT PORTION WHICH INCLUDES LOTS 1 THROUGH 5 INCLUSIVE OF

THE VILLAS AT LAKE BLACKTHORN SECTION ONE AS SHOWN ON THE FINAL PLAT RECORDED APRIL 21 2003 IN THE OFFICE OF THE RECORDER OF ST JOSEPH COUNTY AS INSTRUMENT 0323151 SAID DESCRIBED TRACT CONTAINING 56 25 ACRES MORE OR LESS SUBJECT TO ALL EASEMENTS AND RIGHT OF WAY OF RECORD LEGAL DESCRIPTION THE VILLAS AT LAKE BLACKTHORN SECTION TWO PART OF THE SOUTHWEST QUARTER OF SECTION 18 TOWNSHIP 38 NORTH RANGE 2 EAST GERMAN TOWNSHIP ST JOSEPH COUNTY INDIANA MORE PARTICULARLY DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER SAID POINT BEING MARKED BY A 1 1 2 DIAMETER ROD THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 1490 78 FEET TO A POINT LYING NORTH 89 DEGREES 48 MINUTES 51 SECONDS WEST A DISTANCE OF 3467 01 FEET FROM A 1 DIAMETER ROD 0 3 FEET BELOW GRADE MARKING THE SOUTHEAST CORNER OF SAID SECTION THENCE NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST A DISTANCE OF 1200 00 FEET TO THE POINT OF BEGINNING THENCE CONTINUING NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST A DISTANCE OF 296 75 FEET THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 387 00 FEET THENCE NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST A DISTANCE OF 3 26 FEET THENCE NORTH 89 DEGREES 48 MINUTES 51 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 2 00 FEET THENCE NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST A DISTANCE OF 100 00 FEET THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 2 00 FEET THENCE NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST A DISTANCE OF 300 00 FEET THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 41 02 FEET TO THE WESTERLY RIGHT OF WAY OF PORTSIDE

DRIVE AND A POINT ON A NON TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 225 00 FEET A CENTRAL ANGLE OF 34 DEGREES 42 MINUTES AND 00 SECONDS AND A CHORD OF 134 19 FEET BEARING SOUTH 17 DEGREES 17 MINUTES 40 SECONDS WEST THENCE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY CURVE A DISTANCE OF 136 27 FEET THENCE SOUTH 0 DEGREES 03 MINUTES 20 SECONDS EAST A DISTANCE OF 571 74 FEET THENCE NORTH 89 DEGREES 48 MINUTES 51 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 388 00 FEET TO THE POINT OF BEGINNING SAID DESCRIBED TRACT CONTAINING 2 7 ACRES MORE OR LESS.

SUBJECT TO ALL EASEMENTS RESTRICTIONS AND RIGHT OF WAY OF RECORD and this property has Tax Key Numbers 025 1010 017645 025 1010 017647 and 025 1010 017678 be designated as a Residentially Distressed Area under the provisions of Indiana Code 6 1 1 12 1 et seq. and South Bend Municipal Code Sections 2-76 et seq. and

WHEREAS the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as a Residentially Distressed Area under Indiana Code 6-1.1-12.1 et seq. and South Bend Municipal Code Sections 2-76 et seq. and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law and

WHEREAS the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as a Residentially Distressed Area

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of South Bend Indiana as follows

SECTION I The Common Council hereby determines and finds that the petition for real property tax abatement and the Statement of Benefits form meet the requirements of Indiana Code 6-1.1-12.1 et seq. for tax abatement

SECTION II The Common Council hereby determines and finds that the area meets one of the following conditions as formally established in Ordinance No. 9394 03 which was passed on February 10 2003:

- A. The area is comprised of parcels that are either unimproved or contain only one 1 or two 2 family dwellings designed for up to four 4 families including accessory buildings for those dwellings or
- B. Any dwellings in the area are not permanently occupied and are
 - i. I the subject of an order issued under IC 36-7-9 or
 - ii. evidencing significant building deficiencies or
- C. Parcels of property in the area
 - i. have been sold and not redeemed under IC 6-1.1-24 and IC 6-1.1-25 or
 - ii. are owned by a unit of local government or
- D. A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land or
- E. A significant number of dwelling units within the area are
 - i. the subject of an order issued under IC 36-7-9 or
 - ii. evidencing significant building deficiencies or
- F. The area has experienced a net loss in the number of dwelling units as documented by census information local building and demolition permits or certificates of occupancy or the areas are owned by Indiana or the United States or The area plus any areas previously designated under this subsection will not exceed ten percent 10 of the total area within the Council's jurisdiction.

SECTION III. The Common Council also hereby determines and finds the following

- A. That the description of the proposed redevelopment meets the applicable standards for such development
- B. That the estimate of the value of the redevelopment is reasonable for projects of this nature
- C. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment and
- D. That the totality of benefits is sufficient to justify the requested deduction all of which satisfy the requirements of Indiana Code 6-1.1-12.1-3
- E. The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability
- F. The deduction will not be allowed unless the dwelling rehabilitation is completed within five 5 calendar years from the date of the adoption of this Resolution by the Common Council

SECTION VI. The designation as a Residentially Distressed Area shall be limited to five 5 calendar years from the date of the adoption of this Resolution by the Common Council as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17

SECTION VII. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of five 5 years This resolution is adopted as an exception to the current City Code regarding the applicable building permit provision Section 2 84 7 c 13

SECTION VIII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code 5 3 1 and Indiana Code 6-1.1-12.1-2.5 said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration

SECTION IX. Pursuant to Indiana Code 6-1.1-12. 1-2, the rehabilitation must meet all local code standards for habitability as a specific condition of having such property designated as a residentially distressed area.

SECTION X. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

Councilmember Gavin Ferlic reported that Community Investments sends this bill to the full Council with a favorable recommendation.

Councilmember Varner made a motion to accept the substitute version of this bill as on file in the Office of the City Clerk. Councilmember White seconded the motion, which carried by a voice vote of seven (7) ayes.

Presentation was done by Community Investment- 14th floor of this building- staff brings forward a tax abatement brought forward as an exception to the local code as the way the houses were built. Mr. Cooreman will speak to that during his presentation. Taxes to be abated \$56,079, taxes to be paid for the three homes \$45,686.

Steve Cooreman- 404 Technology Dr. South Bend- I'm here this evening to request your favor on three homes that fell in between the cracks on the old abatement and the new abatement.

A councilmember asked were these houses originally abated and the abatement expired and sale took place in between? Petitioner responded that is exactly correct.

A Public Hearing was held on the Resolution at this time.

There being no one present wishing to speak to the Council either in favor of or in opposition to this Resolution, Councilmember Oliver Davis made a motion to adopt this Resolution. Councilmember Schey seconded the motion which carried and the Resolution was adopted by a roll call vote of seven (7) ayes.

BILLS - FIRST READING

BILL NO. 62 -14

FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 2, ARTICLE 1 OF THE SOUTH BEND MUNICIPAL CODE BY THE INCLUSION OF NEW SECTION 2 -9.1 ADDRESSING POLICIES AND PROCEDURES GOVERNING CITY -OWNED TECHNOLOGIES, FACEBOOK STANDARDS, SOCIAL MEDIA AND SOCIAL NETWORKING POLICIES AND PROCEDURES

Councilmember President Davis reported that he would like to request we refer this bill to be sent to the IT Committee the first meeting of January, as he would like to be a part of that discussion. The response from the Council was the best thing to do is make a motion for December 8th and check with the IT Committee.

This bill had first reading. Councilmember Varner made a motion to refer this bill 62-14 to the IT Committee and set it for Public Hearing and Second Reading for December 8, 2014. Councilmember Dr. Ferlic seconded the motion which carried by a voice vote of five (5) ayes, and (2) nays (Council President Oliver Davis and Councilmember Derek Dieter).

BILL NO. 63 -14

FIRST READING ON A BILL OF THE CITY OF SOUTH BEND, INDIANA APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2014 OF \$600,000 FROM GENERAL FUND (#101), \$45,000 FROM ECONOMIC DEVELOPMENT STATE GRANT FUND (#210), \$280,000 DEPARTMENT OF COMMUNITY INVESTMENT FUND (#212), \$50,000 FROM HUMAN RIGHTS GRANT FUND (#258), \$20,000 FROM HAZMAT FUND (#289), \$3,184 FROM HALL OF FAME DEBT SERVICE FUND (#313), \$5,038 FROM CUMULATIVE CAPITAL IMPROVEMENT FUND (#407) AND \$1,448,174 FROM EMPLOYEE BENEFITS FUND (#711)

This bill had first reading. Councilmember White made a motion to refer this bill to the Personnel & Finance Committee on December 8, 2014. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

BILL NO. 64 -14

FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2014 OF \$244,500 FROM SOLID WASTE FUND (#610), \$168,094 FROM SEWAGE CAPITAL FUND (#642), \$6 FROM 2007 SEWER BONDS FUND (#647), \$200 FROM SEWAGE WORKS SINKING FUND (#649), \$2,221 FROM 2010 SEWER BOND FUND (#658), AND (\$19,100,000) FROM 2013 SEWER BOND FUND (#663)

This bill had first reading. Councilmember White made a motion to refer this bill to the Utilities Committee on December 8, 2014. Councilmember Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

BILL NO. 65 -14

FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2014

This bill had first reading. Councilmember White made a motion to refer this bill to the Personal & Finance on December 8, 2014 for second and third reading. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

UNFINISHED BUSINESS

REPORT FROM AREA PLAN COMMISSION

BILL NO. 58-14 – REZONING – 1430 MISHAWAKA AVE

Councilmember Gavin Ferlic made a motion to refer these bills to the Zoning & Annexation Committee and set them for Public Hearing and Third Reading on December 8, 2014. Councilmember White seconded the motion which carried by a voice vote of seven (7) ayes.

NEW BUSINESS

There was no new business to come before the Council at this time.

PRIVILEGE OF THE FLOOR

Samuel Brown- representing the Citizens United for a Better Government: 222 E LeBron St. South Bend- I was watching the Mayor opening the new two-way street, I watch the Tiff districts and we can get anything done that we want. I told the Mayor he had stated that he would make changes to MLK Street, I'm hurt that the promises you made are not being followed, when it was the black vote that got you elected

Jesse Davis- P.O. Box 10205 South Bend- keep your ears open as the issue with Mayor's Chief of Staff will be coming up, State police has been here investigating. I don't want that to slip through the cracks.

Adam Thomas- 4720 Belleview Circle apt. 6 South Bend- last meeting I didn't get a response for the form that I submitted. I believe that the biggest threat to citizens is corruption in its government. I'm trying to being diplomatic, I will be submitting to more forms and I pray that you take me serious. I'm available anytime.

Councilmember President stated for the record that we did respond, I met with you and council attorney has met with you, thank you.

ADJOURNMENT

There being no further business to come before the Council, President Oliver Davis adjourned the meeting at 7:39 p.m.

ATTEST:

ATTEST:

John Voorde, City Clerk

Oliver Davis, President